



Appeal Decision

Site visit made on 24 February 2015

by **J Dowling BA(Hons) M.Phil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2015

Appeal Ref: APP/Q1445/D/14/3001144

17 Newells Close, Brighton, East Sussex BN2 6QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Karen Gordan against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/03011 was refused by notice dated 18 November 2014.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a rear dormer at 17 Newells Close, Brighton, East Sussex BN2 6QD in accordance with the terms of the application, Ref BH2014/03011, dated 3 September 2014 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved drawings ESX203539, S11338/1, S11338/2, S11338/3, S11338/4 and S11338/5.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The site address provided on the application form is 17 Newell Close. However, all other documentation refers to 17 Newells Close and my site visit confirmed that this is the correct address. I have therefore amended the site address accordingly.
3. The description of development was amended by the Council at the application stage to refer to the *creation of a rear dormer*. I consider that this more accurately describes the proposed works and this is the description that I have therefore used in my decision.

Main issue

4. The main issue is the effect of the development on the character and appearance of the host property and the wider area.

Reasons

5. The appeal site is a modern two storey semi-detached house which forms part of a small in-fill development at the end of Newells Close (Nos 11-20). The property is located on the side of a hill with levels dropping steeply from the front to the rear of the site. As a result the property has an asymmetric roof with a longer rear roofslope. No 17 and the adjoining No 18 are set further back from the road than the adjacent properties to accommodate a turning head and as a consequence the rear garden of both properties is considerably shorter than for the adjacent houses.
6. When permission was granted for the original house it was subject to a condition that removed permitted development rights. As a result the property cannot be extended, enlarged or altered without the prior written consent of the Council. The appeal proposal is for the insertion of a dormer window in the rear roofslope to enable the loft space to be converted to a habitable room.
7. The Council's Supplementary Planning Document 12 – Design Guide for Extensions and Alterations (2013)(SPD12) states that dormer windows are inappropriate in design where they occupy the full width of the roof; they should be kept as small as possible; clearly be subordinate and set well off the sides, ridges and eaves of the roof. It advocates that the supporting structure should be kept to a minimum and should not be substantially larger than any window opening.
8. The appeal proposal would not occupy the full width of the roof and has been set in from both the party wall and the side elevation and set back from the eaves. Although, the proposal would extend out from the existing ridge the roof would have a small pitch to reduce the height and minimise the bulk of the structure.
9. Whilst only two thirds of the dormer would be windows, the proposed area of cladding would be between the two windows and is therefore considered proportionate and well related to the overall proposal. The proposed windows would line through with the existing windows in the rear elevation thereby reflecting the proportions and layout of the original house. I therefore consider that the development would be a subordinate structure with in the roofspace and that it has been designed to reflect the host building and other adjoining properties.
10. When I visited the site it was apparent that due to the drop in levels and the short garden depth the majority of the rear roofslope is not visible from the rear garden of No 17 or the adjoining No 18. Nos 11-16 and 19-20 Newells Close are all set forward of the appeal property and as a result views of the dormer from the rear windows of these properties would be limited. For the majority of neighbouring buildings the dormer would be mainly visible from the end of the garden and consequently I consider that the proposal would not degrade this area.
11. Due to its hillside location the rear roofslope of the property is visible from the surrounding area. From my site visit it was apparent that views of No 17 would mainly be from further afield as due to the continuing drop in levels closer views from the neighbouring road, Crescent Drive North, are limited. Where clear views of the roof of No 17 are possible the proposed dormer would be viewed in the wider context of surrounding roofslopes, and whilst those

higher up the hill remain relatively unaltered, dormers are not an uncommon feature on the properties below.

12. The appellant refers to the dormer at No 14 and cites this as setting a precedent for the proposal. However, no detailed information has been provided regarding its planning history and in any event its context differs to that of the scheme before me and does not lead me to a different view on this case.
13. Consequently, I consider that the proposal would have little impact on the character and appearance of the area. As a result there would be no conflict with Policy QD14 of the Brighton and Hove Local Plan 2005 which seeks to ensure that development is well designed, sited and detailed in relation to the property to be extended and it is in accordance with the guidance provided by SPD12.
14. The purposes of this policy and guidance are consistent with the National Planning Policy Framework (the Framework) which seeks among other things to secure a good quality of design.
15. Paragraph 206 of the Framework sets out a number of tests that conditions need to meet. I have considered the conditions suggested by the Council against paragraph 206 and judge that they meet these tests. In addition to the standard time limit, for clarity and in the interests of the character and appearance of the surrounding area, a condition requiring matching external materials to be used in the construction of the rear dormer has been attached. For the avoidance of doubt and in the interests of proper planning, I have also imposed a condition requiring that the development be carried out in accordance with the approved plans.

Conclusion

16. For the reasons set out above, this appeal is allowed.

Jo Dowling

INSPECTOR

